

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

JS 6

Case No. CV 15-1953 DSF (MANx)

Date 3/26/15

Title Arin Capital and Investment Corp. v. Shomari Colver, et al.

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order REMANDING Case to Superior Court of California, County of Los Angeles

On March 17, 2015, Defendant Shomari Colver removed this unlawful detainer case pursuant to 28 U.S.C. §§ 1443(1) and Dombrowski v. Pfister, 380 U.S. 479 (1965).<sup>1</sup> Removal under § 1443(1) requires that the removing party must assert first “as a defense to the prosecution, rights that are given to them by explicit statutory enactment protecting equal racial civil rights,” and second, “that the state courts will not enforce that right, and that allegation must be supported by reference to a state statute or a constitutional provision that purports to command the state courts to ignore the federal rights.” Patel v. Del Taco, Inc., 446 F.3d 996, 999 (9th Cir. 2006) (quoting California v. Sandoval, 434 F.2d 635, 636 (9th Cir. 1970)). Defendant appears to believe that he will not receive an adequate hearing in unlawful detainer court. However, none of Defendant’s mostly unspecific concerns implicates an equal protection right – racial or otherwise. And, even assuming that unlawful detainer courts have sometimes not provided full due process rights, Defendant fails to “refer[] to a state statute or a constitutional provision that purports to command the state courts to ignore the federal rights.”

This matter is REMANDED to the Superior Court of California, County of Los Angeles.

<sup>1</sup> Dombrowski concerns federal abstention and provides no basis for removing this action. See 380 U.S. at 482-83.

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IT IS SO ORDERED.